



Legislative
Research
Council

MINUTES

Department of Education
Agency Review

**Third and Final Meeting
2004 Interim
September 22 & 23, 2004**

**LCR 1
State Capitol
Pierre, South Dakota**

Wednesday, September 22, 2004

The third and final meeting of the Department of Education Agency Review Committee was called to order by the Chair, Senator Ed Olson, at 9:00 a.m. (CDT) in Legislative Conference Room 1 of the State Capitol, Pierre, South Dakota.

A quorum was determined with the following members answering the roll call: Senators Ed Olson, Al Kurtenbach, and John Reedy; and Representatives Jim Bradford, Joel Dykstra, Phyllis Heineman, Kent Juhnke, Ted Klaudt, Maurice LaRue, Ed McLaughlin, Kathy Miles, and Bill Thompson. Representatives Julie Bartling and Burt Elliott were excused.

Staff members present included Clare Cholik, Senior Research Analyst, and Reta Rodman, Legislative Secretary.

(NOTE: For sake of continuity, the following minutes are not necessarily in chronological order. Also, all referenced documents are on file with the Master Minutes.)

Approval of Minutes

REPRESENTATIVE DYKSTRA MOVED, SECONDED BY SENATOR REEDY, THAT THE MINUTES BE APPROVED. MOTION PREVAILED UNANIMOUSLY ON A VOICE VOTE.

Approval of Agenda

REPRESENTATIVE LARUE MOVED, SECONDED BY REPRESENTATIVE MCLAUGHLIN, THAT THE AGENDA BE APPROVED. MOTION PREVAILED UNANIMOUSLY ON A VOICE VOTE.

Remarks from the Chair

Senator Olson informed the committee that **Secretary Melmer** would like to attend the opening of a new Hutterite high school near Aberdeen on Thursday if the committee did not object to him being absent from the meeting that day. There were no objections from the committee. He also commented that Dr. Jim Parry, who was invited to give a presentation on the Baldrige Model, will be unable to attend.

An Evaluation of the State's Assessment Tools

Dr. Barbara S. Plake, W. C. Meierhenry Distinguished University Professor, Director of the Buros Center for Testing, University of Nebraska, Lincoln, addressed the committee on the state's current assessment tools. The mission of the Buros Center for Testing is to improve tests and testing practices. Dr. Plake advised that the Center worked with the Department of Education to evaluate the state's tests in reading, writing and math for grades 3 through high school. To accomplish this goal, Dr. Plake said that South Dakota educators were selected by the Department of Education to be members of an alignment panel to compare the tests with the state's content standards. She distributed a document entitled "Standard Setting Rating Form" (**Document #1**). The document displays item level classifications that allowed the alignment panel to rate test questions according to the level of skill necessary to answer them correctly.

Dr. Plake explained that Harcourt, the testing company that created the tests, took some preliminary steps in the alignment process. The company worked with SD teachers to identify where the tests matched content standards and where they did not. Harcourt then customized the tests by adding questions to fill the gaps. The initial alignment panel, from whom the Harcourt recommendations were withheld, found fairly good alignment between the tests and content standards. Subsequently, a smaller alignment panel was convened and given the Harcourt findings. They determined that alignment was strong, but that certain areas needed improvement.

Dr. Plake noted that there is almost never 100% alignment and that alignments at 75% or above are considered adequate. She distributed handouts (**Documents #2, #3, and #4**) that illustrate the alignment of the tests with the content standards in reading and also the indicators in both reading and math both before and after adjustments were made. The indicators are broad statements while the content standards are more specific and narrower in scope.

Dr. Plake declared that South Dakota needs to determine whether kids have had a sufficient opportunity to learn by analyzing the alignment of curriculum to the content standards and testing. Currently, that link is just assumed; there is no direct evidence. She distributed handouts (**Documents #5, #6, and #7**) that show how the test indicators matched content standards and how many questions asked measured proficiency at a basic level, a proficient level, and an advanced level.

Dr. Plake reported that the alignment panels were selected by the Department of Education and consisted of 32 South Dakota teachers. There were 16 members assigned to math and 16 members for reading. The teachers also had over 20 years of teaching experience including advanced degrees. Dr. Plake indicated that the South Dakota testing program has been approved at the federal level.

Ms. Diane Lowery, NCLB Coordinator, indicated that it would be beneficial to teachers if they would become more involved in the school improvement process thus providing them a clearer understanding about NCLB's requirements. She acknowledged that teachers need to understand how to take the results of Dakota STEP and apply those results in the classroom.

Dr. Melmer, Secretary of the Department of Education, stated that for parents and the general public an informational brochure is being made available for the first time this year. He also updated the committee on the Student Information Management System (**SIMS**) which allows for the uniform gathering and reporting of educational data in the state. Dr. Melmer noted that this is one of the best student information systems in the country.

A discussion was held on the Dakota Assessment of Content Standards (**DACS**) and its effectiveness. **Documents #8 and #9** raise the question of the DACS aligning with Dakota STEP in providing feedback for student performance. Dr. Plake responded by informing the committee that the study in 2002 compared the match between test content and SD content standards in reading and mathematics. She expressed disappointment in the reading alignment ; however, she did indicate that DACS is very sophisticated. Dr. Melmer noted that the DACS is now only used as a diagnostic tool at the discretion of individual teachers. He reported that teachers believe that the student's work completed in the classroom is the true indicator of the students knowledge and progress.

Dr. Tammy Bauck, Director, Office of Curriculum, Technology & Assessment, assured the committee that the test results are very timely. The norm-referenced test results are reported to the schools by May 20 and the criterion-referenced test results are forwarded to the superintendents by July 1.

The committee recessed at 12:00 noon and reconvened at 1:00 p.m.

High School Distance Education and Virtual High Schools

Dr. Doreen Gosmire, Assistant Professor in Educational Administration at the University of South Dakota, distributed a handout entitled "A Comparison between South Dakota Distance Education Providers and Virtual High School Characteristics and Trends throughout the United States" (**Document #10**). Dr. Gosmire stated in her presentation that the definition of a distance education provider is an entity that provides four or more high school courses to three or more schools sites. She explained that there are eight types of virtual schools, and their goal is to provide and sell curricula, prepare students to attend a postsecondary school, and to provide school districts with an alternative option for students. Dr. Gosmire also informed the committee that in South Dakota there are 16 providers involved in distance education. Fourteen providers develop their own curriculum and two providers purchase their curriculum from other sources.

Dr. Gosmire stated that the majority of the virtual schools take advantage of technology. They use interactive video or provide courses online. The Dakota Digital Network (**DDN**) is used by four providers to provide courses to students. As with the traditional school system, providers also collect enrollment and course completion data. At the present time there are 2300 students taking advantage of this alternative schooling.

Dr. Gosmire emphasized that funding came from these sources:

- Federal and State dollars;
- Tuition;
- Private Foundations;

A Review of No Child Left Behind Funding in South Dakota

Mr. Martin L. Guindon, Auditor General, distributed a handout entitled "A Report on the No Child Left Behind Act (NCLB) to the 2004 Interim Department of Education Agency Review Committee" (**Document #11**). Mr. Guindon thanked the Department of Education for their cooperation in the completion of his report. He stressed to the committee that analyzing the cost of NCLB is extremely difficult, and there is no real answer on the cost of the program. Mr. Guindon introduced **Gary Hoscheid**, the State Government Audit Manager with the Department of Legislative Audit. Mr. Hoscheid explained that grades 3 through 11 are tested under NCLB. The three main focuses of NCLB are grade assessment, student assessment, and sub-group assessment. Subgroups include students with disabilities, limited English proficient students, economically disadvantaged students, and students in major ethnic/racial subgroups. In South Dakota, each subgroup **MUST** have at least 10 students in it or it is not counted.

Mr. Hoscheid stated that all schools are included in the accountability system, but only schools that receive Title 1 funding are subject to the improvement requirements and sanctions of NCLB. Mr. Hoscheid emphasized that it takes two consecutive years of making adequate yearly progress in the same content area in order for the school to be removed from the needs improvement list.

Due to the flexibility of the NCLB in areas of confidence intervals, highly qualified teachers, population, and accountability systems, Mr. Guindon explained that comparing one state to another is virtually impossible. South Dakota is among the states that has established an accountability plan using a minimum subgroup of 10 along with a confidence interval for reporting and accountability purposes.

Mr. Hoscheid explained to the committee that due to funding being targeted to schools that have higher poverty levels, South Dakota received an increase in its funding amount. He advised that poverty is very widespread. The Census Bureau calculates the school poverty figures for the Title 1 program.

The committee recessed at 5:00 p.m.

Thursday, September 23, 2004

The committee was called to order by the Chair Olson, at 8:00 a.m. (CDT).

A quorum was determined with the following members answering the roll call: Senators Ed Olson, Al Kurtenbach, and John Reedy; and Representatives Jim Bradford, Phyllis Heineman, Kent Juhnke, Ted Klaudt, Maurice LaRue, Ed McLaughlin, Kathy Miles, and Bill Thompson. Representatives Julie Bartling, Burt Elliott, and Joel Dykstra was excused.

The Baldrige Model

As explained by the staff of the Department of Education, the Baldrige Model is an internal evaluation tool that can be used by any entity to analyze itself and its goals. The Department

of Education has been involved in the use of this model throughout the summer, and is working with Gloria Steele from Technology and Innovation in Education (TIE) in Rapid City to evaluate the department and its individual divisions.

Ms. Deb Barnett, Deputy Secretary of The Department of Education, introduced **Ms. Mary Stadick Smith**, Director of Communications, Department of Education. Ms. Stadick Smith distributed a handout entitled “The Action Research Spiral” (**Document #12**). Ms. Stadick Smith explained to the committee how she was using the Baldrige Model to enhance communication both within and outside the department. She discussed with the committee numerous goals that have been set to improve communication along with the action steps necessary to achieve them. Some of the action steps are as follows:

- Produce Annual Report to let people know what is happening in education;
- Develop brochures describing what programs are available;
- Enhance Monthly E-Newsletter to superintendents;
- Refresh the Administrative Memo informing staff of what is happening within the department;
- Publish Success Stories;

Representative LaRue complimented the department on their communication ideas by using the media; however, he cautioned them not to forget the local papers which would give the teachers insight into the required information.

Senator Olson stated that the ideas expressed by Ms. Stadick Smith is the basic framework that reflects the Baldrige Model. He is of the opinion that this model should be submitted to the Executive Board as it could prove to be a standardized evaluation tool for review of all agencies during the review process.

Dr. Bauck reported that a new web site has been developed as a clearinghouse for professional development. She distributed a handout entitled “Professional Development Feedback Form” (**Document #13**). It will allow educators to evaluate the professional development they receive. The professional development is rated on context, process, and content standards. The form will be completed by education staff throughout South Dakota and returned to the Department of Education for their review and subsequent follow-up.

Dr. Bauck described the five levels of professional development evaluation that are included in the feedback form. The five levels are participants’ reactions, student learning outcomes, organizational support and change, participants’ learning, and participants’ use of new knowledge and skills. The evaluation process development is another example of the department’s use of the Baldrige Model

Ms. Barnett presented a handout entitled “The Development and Evaluation of the Education Service Agency (ESA) Program in South Dakota” (**Document #14**). She stated that in 2004 the department received \$500,000 in support of a new regional service concept for education. Ms. Barnett explained that there are two levels of evaluation, statewide and region by region. The evaluation process is used to monitor implementation of the service agencies, to improve the ESA program, and to provide accountability.

Ms. Melody Schopp, Director of the Office of Accreditation & Teacher Quality, distributed a handout entitled "South Dakota's Proposed Accreditation System, Working in Alignment with School Improvement" (**Document #15**). Ms. Schopp explained that there are three levels of proposed accreditation. Level 1 is basic accreditation. It consists of the accreditation process as it exists today along with the added requirement of a district strategic plan. Level 2 involves higher expectations and on-site support from NCA teams. Level 3 is Exemplary. The schools are required to make application for exemplary status and go above and beyond the mandated requirements. Ms. Schopp stated that every school should have a school improvement plan, not just those struggling to meet NCLB standards.

Representative Klaudt questioned if a school ever reaches a completed step. Ms. Schopp responded by stating that NCA does set goals with a completion time frame, and then new goals are set. If you do not meet your goal within an allotted period of time, you will be placed on probation. Ms. Schopp explained that schools can achieve their goals in all different areas.

Information Requests From Previous Meeting

Ms. Barnett as requested at the last meeting, provide information on how many vacancies exist in the Department of Education (**See Document #16**). She reported that 21 vacancies currently exist in the Department of Education offices. Ms. Barnett explained that there are various reasons for the vacancies, including salary, the requirement to relocate to Pierre, and the need to work a 12-month work schedule. She also reported that the availability of jobs for the spouses can also be a factor in filling the positions. **Ms. Janet Ricketts**, Director of the Office of Educational Services & Support, declared that stress and the work load has become a problem in the area of special education, and employees are starting to leave the department.

The committee inquired about the department's expectations in filling the FTE positions. Ms. Barnett responded by saying that they hoped to hire teachers with good teaching experience, knowledge of curriculum, and organizational skills.

Dr. Bauck reported that Reading First is a federally funded program, and SD Reads is funded by the State of South Dakota. The flow of funds under Reading First goes directly to school districts as a three year grant; however, she reported that no funding goes directly to the school districts under SD Reads. She commented that Reading First is in its first year and statistical information will be available during the 2005 Legislative Session. SD Reads is in its fifth year of the program and has funding of \$2 million per year.

Stacy Krusemark, Director of the Office of Finance & Management, reported that his division hires interns with computer skills on a temporary basis. Representative Heineman asked if he anticipates growth, and Mr. Krusemark advised that they just added an FTE to address the workload.

Ms. Dorothy Liegl, Director of the Office of the State Library, indicated that her office is thinly staffed in a lot of areas. There is a lot of work that does not get done. Most of the staff are hourly employees, and they cannot work more than 40 hours without being paid overtime.

Representative Klaudt expressed concern regarding schools not having the information on the SIMS. He reported that while visiting with an employee of the Star Academy, the person indicated to him that Star Academy was not on the SIMSNet. **Ms Schopp** assured him that every school is on SIMSNet, and there should be no reason why any school would not know about SIMS. Representative Klaudt asked if she would contact Star Academy in Custer to clear up the confusion. Ms. Schopp responded that she would do so.

Public Testimony

Ms. Donna DeKraai, South Dakota Education Association, testified that she has always had an excellent working relationship with the Department of Education.

Committee Discussion & Wrap-Up

In conclusion, the committee asked the Department of Education to provide them a complete FTE vacancy list by division. Also, the committee voted to have Senator Olson draft a letter suggesting that the Baldrige Model be used as an evaluation tool for state agencies as well as for use of the Legislature in conducting its agency reviews.

SENATOR KURTENBACH MOVED, SECONDED BY REPRESENTATIVE LARUE, THAT SENATOR OLSON DRAFT A LETTER TO THE EXECUTIVE BOARD RECOMMENDING THE BALDRIDGE MODEL. MOTION PREVAILED UNANIMOUSLY ON A VOICE VOTE.

Senator Olson thanked the committee members for their efforts. He also thanked the Department of Education for their cooperation during the review. Representative Heineman also expressed her appreciation to the Department of Education for their cooperation.

There being no further business, Senator Olson adjourned the meeting at 11:15 a.m.

